

REMARKS

Claims 1-40 are pending.

The Examiner rejected claims 1-40 under 35 U.S.C. 102(b) over Quake III Arena (http://en.wikipedia.org/wiki/Quake_III_Arena, hereinafter "Quake"). Applicant respectfully traverses this rejection.

As an initial matter, the Examiner has indicated that a number of features, although found nowhere within the reference, are nonetheless inherent in the reference. For example, the Examiner indicates that it "is inherent that in Quake III Arena, the user who creates the game can edit settings such as making the game public or private to allow other users online or on a network to join the game since it uses a client-server architecture." Office Action, September 6, 2007, p. 2 (internal quotations omitted). Although an Examiner may use inherent characteristics as the basis of a rejection, "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." M.P.E.P. 2112(IV) (quoting *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). The Examiner's statements that various characteristics are inherent are not sufficient, and the Examiner has failed to provide evidence or reasoning showing inherency. Thus, the Examiner has not met the burden for relying upon such characteristics in the rejection of applicant's claims.

In addition, the Examiner appears to misunderstand "gate crashing" as that term is used by applicant's claims. Traditionally, the term gate crashing refers to gaining entry to an event to which one is not invited. For example, it has long been a hobby of college students to get into parties, concerts, or other events, such as the Oscar awards, to which they are not invited by crashing the gate (e.g., sneaking in). Applicant's technology expands this concept to the context of gaming, where "gate crashing" refers to a player

joining a game session to which that player has not been invited or in a manner that the host is not fully aware that the player is attending. For example, applicant's specification describes, "[d]uring the course of play and unbeknown to the host player, the game is gate crashed by a remote player who is also connected to the network." Specification, paragraph [0004].

Traditional games have characters that are not controlled by a human, often called non-player characters (NPCs) or bots. The behavior of these bots is often very predictable and detract from the enjoyment of the game. Quake III Arena is one example. The reference provided by the Examiner describes traditional bots that use artificial intelligence (AI) to seem human-like, but nevertheless often remain predictable. As applicant's background describes, "it is difficult to add elements of surprise and unpredictability to conventional single-player games [using traditional bots]." Specification, paragraph [0003].

In contrast, applicant's technology describes the concept of gate crashing that allows human players to step into the role of characters in the game previously controlled by bots or other NPCs, "[t]he gate crasher can assume the role of an enemy character fighting against the host player...[t]his element of surprise adds excitement and unpredictability to what may otherwise be a repetitive and uninteresting game experience." Specification, paragraph [0004]. Each of applicant's claims recites gate crashing. For example, claim 1 recites "receiving a request from a first player to enable gate crashing in the game" and "transitioning control of the character in the game from a program routine to the second player." Quake does not describe gate crashing or any manner in which the control of bots would transition from one party to another. Thus, applicant's claims are patentable over Quake. Accordingly, applicant respectfully requests that this rejection be withdrawn.

Based upon these remarks and amendments, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3265. If any fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268014US from which the undersigned is authorized to draw.

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Respectfully submitted,

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